

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	CASE NO. 2:16-cv-11551
)	
Plaintiff,)	Hon. Laurie J. Michelson
)	Magistrate Anthony P. Patti
v.)	
)	
COUNTRY FRESH, LLC,)	
)	
Defendant.)	

Kenneth L. Bird	Sharon Rae Gross (P42514)
Nedra Campbell (P58768)	Gregory M. Krause (P67142)
EQUAL EMPLOYMENT	Ogletree, Deakins, Nash, Smoak
OPPORTUNITY COMMISSION	& Stewart, PLLC
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CONSENT DECREE

The United States Equal Employment Opportunity Commission (“Commission” or “EEOC”) filed this action against Country Fresh, LLC (hereinafter “Country Fresh”) to enforce Title VII of the 1964 Civil Rights Act, 42 U.S.C. §§ 2000e to 2000e-17 (“Title VII”). The

Commission alleged that Country Fresh violated Title VII by failing to promote Ayva Horton because of her sex.

Country Fresh has denied that it has engaged in any unlawful employment practices with respect to Ms. Horton and this Consent Decree does not constitute an admission by Country Fresh of any violation of Title VII. The parties agree that this action should be resolved, without the expense, delay, and burden of further litigation, by entry of this Consent Decree (“Decree”).

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: 1) the Court has jurisdiction over the parties and the subject matter of this action; 2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of this Consent Decree; and 3) this Consent Decree fully and finally resolves all matters in controversy or claims and issues arising out of the Complaints filed in this case.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

PROHIBITION ON DISCRIMINATION

1. Country Fresh, its officers, directors, agents, employees, assigns, successors, and all persons in active concert or participation with them agree not to discriminate against any employee on the basis of sex including without limitation failing to promote an employee because of her or his sex.
2. Country Fresh will not retaliate, coerce, intimidate, threaten, or interfere with any individual in the exercise of any right granted and protected by Title VII.

MONETARY RELIEF

3. Within fifteen (15) days after this Decree has been entered by the Court, Country Fresh, LLC shall pay a total amount of \$84,750, in monetary relief to Ayva Horton. Of this monetary payment, \$3,790 shall be considered back pay and \$80,960 shall be considered compensatory damages. Country Fresh shall make these payments to Horton at an address provided to Country Fresh by counsel for the Commission. Country Fresh shall issue a W-2 for the amount designated as back pay, less appropriate taxes and withholdings, and a 1099-MISC for the

remaining amount, in the ordinary course of business. Country Fresh shall not deduct the amount of the employer's share of any costs, taxes, or social security payments required by law to be paid by Country Fresh. Furthermore, Country Fresh will not withhold any amounts from payment of compensatory damages.

4. Within three (3) days after payment has been made, Country Fresh shall mail a copy of the checks to Regional Attorney, care of Nedra Campbell, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

NOTICE POSTING

5. Within three (3) days after entry of the Decree, Country Fresh shall post for the duration of this Decree, in a conspicuous place where employee notices are posted at its Livonia, Michigan plant, the Notice attached as Exhibit A, in the same type, style, and size. In the event the posting becomes marred or defaced, Country Fresh shall re-post a clean and readable copy.

TRAINING

6. Within sixty (60) days of entry of the Consent Decree, Country Fresh shall train all “exempt” Company employees, defined as managers, supervisors, and human resources personnel, at its Livonia Michigan plant on sex discrimination under Title VII of the Civil Rights Act, including an emphasis on preventing sex discrimination with respect to promotions and hiring. The training should last at least one (1) hour and may be either live training or by other alternative means, for example online computer training. Country Fresh shall keep a list of the names of all employees who take the training. Country Fresh shall retain a copy of the list of names for the duration of this Decree and forward a copy of all attendees to Regional Attorney, care of Nedra Campbell, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.
7. Country Fresh shall train each new “exempt” Company employee at its Livonia, Michigan plant in the same manner outlined above within thirty (30) days of the employee starting to work for Country Fresh. Country Fresh shall forward a copy

of the list of all newly hired and trained employees each quarter for the duration of the Consent Decree.

POLICIES

8. Within thirty (30) days of the date this Consent Decree has been entered by the Court, Country Fresh shall further enhance its written policies and procedures concerning promotions to ensure that all employees have an opportunity for consideration irrespective of her or his sex. These policies will require:

Country Fresh to continue its practice of posting all opportunities for supervisory positions, including temporary acting positions, for a reasonable period of time prior to filling these positions.

REPORTING BY COUNTRY FRESH AND ACCESS BY EEOC

9. Within ninety (90) days of entry of this Consent Decree and as further indicated below, Country Fresh shall submit the following in writing and in affidavit form to the Commission's Regional Attorney at the address provided above:

- a. A copy of the policies required above (see ¶ 8);

b. The list of persons attending the training required above, and a list of current personnel employed by Country Fresh on the days of the training; and

c. Confirmation that the Notice required above was posted, and the locations where it was posted.

10. The Commission shall have the right during regular business hours, hereby defined as Mondays through Fridays 9 am - 5 pm EST, upon reasonable advanced notice (which is defined as no less than five (5) business days), to enter and inspect the premises to ensure compliance with this Decree.

SCOPE AND DURATION

11. Absent extension, this Decree shall expire by its own terms at the end of three (3) years from the date it has been entered by the Court without further action by the parties.

12. This Decree resolves all issues that were raised or could have been raised in the Commission's Complaint in this action.

DISPUTE RESOLUTION AND COMPLIANCE

13. This Court shall retain jurisdiction over this action for the duration of this Decree and shall have all equitable powers,

including injunctive relief, to enforce this Decree. Upon motion of the Commission, the Court may schedule a hearing for the purpose of reviewing compliance with this Decree. The parties shall engage in a good-faith effort to resolve any dispute as to compliance prior to seeking review by the Court and shall be required to give each other ten (10) days' notice before moving for such review. Should the Court determine that Country Fresh has not complied, the Court may order appropriate relief including extension of the Decree for the time necessary to remedy non-compliance, and attorney's fees and costs.

MISCELLANEOUS

14. Each party will bear its own costs and fees.
15. If any provision of this Decree is found to be unenforceable by a court, only the specific provision in question shall be affected and the other enforceable provisions shall remain in full force.
16. Any modifications to this Decree must be entered by the Court.

17. The terms of this Consent Decree are and shall be binding upon the present and future owners, officers, directors, employees, creditors, agents, trustees, administrators, successors, representatives, and assigns of Country Fresh. Before selling any or all of the business (except for an asset-only sale not involving personnel), Country Fresh shall notify all potential buyers and bidders of this Decree and its terms. Among other things, the notice shall include a copy of this Decree, personally served by Defendant.

IT IS SO ORDERED.

Dated: April 4, 2017

s/Laurie J. Michelson
LAURIE J. MICHELSON
U.S. DISTRICT JUDGE

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

for COUNTRY FRESH, LLC

s/ Nedra Campbell
Nedra Campbell (P58768)

s/S Rae Gross
Sharon Rae Gross (P P42514)

Date: April 3, 2017

Exhibit A

NOTICE

The following notice is being posted and provided pursuant to the terms of a Consent Decree reached between the EEOC and Country Fresh, LLC. Country Fresh wishes to emphasize the company's policy of providing equal employment opportunities, including hiring and promotions, to all qualified persons without regard to race, color, gender, sexual orientation, marital status, national origin, ancestry, age, disability or any other consideration made unlawful by state, federal, or local law.

Pursuant to Title VII, it is unlawful for an employer to discriminate against any applicant or employee based on her or his sex with regard to any term or condition of employment including decisions regarding promotions and hiring. Furthermore, it is unlawful for any employer to retaliate against an employee because s/he has opposed discriminatory employment practices, including opposing sex discrimination, or because s/he has filed a charge of discrimination with any municipal, state or federal equal employment opportunity agency, or because s/he has participated in an investigation of a charge of discrimination.

Any employee who believes that s/he has suffered discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, genetic information, or disability should immediately let management know. You also have the right to contact the EEOC directly at 1-800-669-4000. In compliance with federal law, Country Fresh will not retaliate against an employee who makes an internal complaint of discrimination or who contacts the EEOC or its state counterpart.

This Notice shall remain posted for the term of three (3) years, until April __, 2020.

Country Fresh, LLC

By:_____

Date